

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

| | | |
|--------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA | : | |
| | : | CRIMIANL CASE |
| v. | : | |
| | : | No. 1:19-CR-00036-029 (JKB) |
| DEVIN MITCHELL | : | |
| _____ | : | |

UNOPPOSED MOTION TO
CONTINUE SENTENCING HEARING

Comes now, DEVIN MITCHELL, Defendant in the above styled action, by and through undersigned counsel and hereby moves this Court to continue the sentencing hearing currently scheduled for March 8, 2024. In support of this motion, Mr. Mitchell shows as follows:

(1)

Mr. Mithcell is one of twenty-nine defendants charged in a twelve count indictment charging him with: conspiracy to participate in a racketeering enterprise in violation of 18 U.S.C. §§ 1962(d) and 1963(Count 1); conspiracy to possess with the intent to distribute a controlled substance in violation of 21 U.S. C. § 846 (Count 2); and conspiring to possess a firearm during and in relation to a drug trafficking offense in violation of 18 U.S.C. § 924 (o) (Count 3).

(2)

On September 12, 2023, Mr. Mitchel, pursuant to a plea negotiated plea agreement, pleaded guilty to Count 1 of the Fourth Superseding Indictment.

(3)

Thereafter, this Court scheduled a sentencing hearing for January 19, 2024.

(4)

On , the Court, *sua sponte*, continued the sentencing hearing until February 9, 2024.

(5)

On January 5, 2024, this Court granted Mr. Mitchell's unopposed motion to continue sentencing and re-scheduled the sentencing hearing for March 8, 2024.

(6)

Undersigned counsel requests this Court continue the sentencing hearing until sometime after May 16, 2024.

(7)

The government has assisted counsel with issues that previously prevented adequate preparation for the sentencing hearing.

(8)

Counsel has contacted a local mental health professional who will conduct an examination of Mr. Mitchell, who is now housed at Chesapeake Detention Facility.

(9)

However, that mental health professional was not available until March 5, 2024.

(10)

Counsel believes that the evaluation and report can be completed by the middle of April and a sentencing hearing can be conducted thereafter.

(11)

Counsel for the government, Patricia McClaine has been consulted and does not oppose this motion.

(12)

Counsel for the government also indicates that she is unavailable from March 9 to March 18 and May 3 to May 16.

WHEWREFORE, this Court should continue the sentencing hearing currently scheduled for March , 2024.

Dated, this the 2nd of March, 2024.

Respectfully submitted,

/s/ Jeffrey L. Ertel

JEFFREY L. ERTEL

State Bar No. 249966

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